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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,358	08/19/2003	Victor Omark Mendez-Ferreira	CUtech-104A	4818

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EXAMINER

PEAVEY, ENOCH E

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,358	Applicant(s) MENDEZ-FERREIRA ET AL.	
	Examiner Enoch E Peavey	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12, 15-17 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 13, 14, 18 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>19 August 2003</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

I. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

A. At least claims 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i. In claim 2, lines 3-4, "a first and second" makes the claim indefinite. A "first and second" what?

ii. In claim 5, line 2 "a third and fourth" makes the claim indefinite. A "third and fourth" what?

iii. *** There are several instances of the above indefiniteness. Please make sure a noun follows adjectives in all the claims.

Claim Rejections - 35 USC § 102

II. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

A. Claims 1, 2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Oikawa et al., US No. 4,966,374 ("Oikawa").

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i. Oikawa discloses a segmented plate (FIG. 5) comprising the plate, as assembled, having an exterior perimeter (Fig. 7, @ 14), an aperture having an inner perimeter (Fig. 7, @11), a plurality of generally rigid plate-sections (12), and extending at least partially along adjacent boundaries of the plate-sections having been adjacently arranged, is a self-lock seam (formed when 16 mats with 17).

ii. The inner perimeter comprises an inward-boundary of at least each of a first and second *edge* of said plate-sections (Fig. 6(a)); a third and fourth of the plate-sections each comprise a respective third and fourth edge-boundary (Fig. 8); and the adjacent boundaries comprise said third edge-boundary adjacent a first edge-boundary of each of said first and second plate-sections, and said fourth edge-boundary adjacent a second edge-boundary of each of said first and second plate-sections.

B. Claims 1, 3-7, 10-12, 15-17, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Syed et al., US No. 6,623,303 ("Syed").

i. Syed discloses segmented plate (FIG. 11) comprising: (a) the plate, as assembled, having an exterior perimeter, an aperture having an inner perimeter, a plurality of generally rigid plate-sections (114A and 114B), and extending at least partially along adjacent boundaries of said plate-sections having been adjacently arranged, is a self-lock seam (at its midpoint).

ii. The segmented and wherein the inner perimeter comprises a first curved inward-boundary of a first of said plate-sections (114A) and a second curved inward-boundary of a second of said plate-sections (114B); first and second collar pieces are arranged, in

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water-impermeable fashion, adjacent said first and second curved inward-boundaries; and (c) said first and second collar pieces (116).

C. Examiner Note: The claims are being examined as they pertain to the subcombination of a "segmented plate". If Applicant wishes to claim the combination of a limited access and a segmented plate claims should be drafted accordingly.

Allowable Subject Matter

III. Claims 8, 9, 13, 14, 18 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

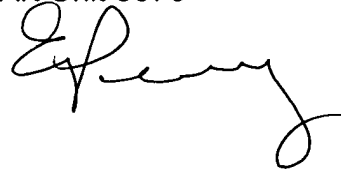
IV. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Enoch E Peavey whose telephone number is 305 1977. The examiner can normally be reached on Mon-Fri 8:00 am to 4:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on **(571)272-7049**. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Enoch E Peavey
Primary Examiner
Art Unit 3676

A handwritten signature in black ink, appearing to read 'E. Peavey', with a long horizontal stroke extending to the right.

April 5, 2005